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Unified Patents, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE COURTHOUSE

WAPP TECH LIMITED
PARTNERSHIP, et al.,

Plaintiff,

v.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 5:22-mc-80114

**DECLARATION OF CONO
CARRANO IN SUPPORT OF
UNIFIED PATENTS, LLC'S
MOTION TO QUASH SUBPOENA**

Date Action Filed: May 6, 2022

1 I, Cono A. Carrano, declare as follows:

2 1. I am a partner at the law firm Akin Gump Strauss Hauer & Feld LLP, counsel
3 for movant Unified Patents, LLC (“Unified”) in the above-captioned action. I am an
4 attorney licensed to practice law in the District of Columbia and New York. I make this
5 Declaration in support of Unified’s Motion to Quash the Subpoenas served on non-party
6 Unified by Wapp Tech Limited Partnership and Wapp Tech Corp. (collectively, “Wapp”)
7 in connection with two matters where Unified is a nonparty:

- 8 • *Wapp Tech Limited Partnership et al. v. Bank of America, N.A.*, Civ. A. No.
9 4:21-CV-00670-ALM (E.D. Tex. Aug. 27, 2021) (the “*Bank of America*
10 *suit*”)
- 11 • *Wapp Tech Limited Partnership et al. v. Wells Fargo Bank, N.A.*, Civ. A. No.
12 4:21-cv-00671-ALM (E.D. Tex. Aug. 27, 2021) (the “*Wells Fargo suit*,” and
13 together with the *Bank of America suit*, the “E.D. Texas suits”).

14 I have personal knowledge of the facts set forth in this declaration, and can testify
15 competently thereto if called upon to do so as a witness.

16 2. Attached hereto as Exhibit 1 is a true and correct copy of the original
17 subpoena and the Proof of Service for the subpoena served on Unified in the *Bank of*
18 *America suit*.

19 3. Attached hereto as Exhibit 2 is a true and correct copy of the original
20 subpoena and the Proof of Service for the subpoena served on Unified in the *Wells Fargo*
21 *suit*.

22 4. Attached hereto as Exhibit 3 is a true and correct copy of Unified’s Response
23 and Objections to the Subpoena in the *Bank of America suit*, which Unified served
24 concurrently with the filing of this motion.

25 5. Attached hereto as Exhibit 4 is a true and correct copy of Unified’s Response
26 and Objections to the Subpoena in the *Wells Fargo suit*, which Unified served
27 concurrently with the filing of this motion.
28

1 6. Attached hereto as Exhibit 5 is a true and correct copy of correspondence
2 between Wapp's counsel, Masood Anjom of Ahmad, Zavitsanos & Mensing LLC, and
3 Unified's counsel, Ryan Stronczer of Akin Gump Strauss Hauer & Feld LLP, between
4 April 18, 2022 and May 6, 2022. The correspondence includes the parties' various
5 agreements regarding the due date for Unified's objections and responses to Wapp's
6 Subpoenas.

7 7. Prior to filing the present motion, I met and conferred with Wapp's counsel,
8 Masood Anjom of Ahmad, Zavitsanos & Mensing LLC, regarding the Subpoenas on
9 Tuesday, May 3, 2022 and Friday, May 6, 2022. I explained Unified's position that
10 Wapp's subpoenas seek information irrelevant to any claim or defense in the E.D. Texas
11 suits, seek information that was already provided to Wapp, is available either publicly or
12 from Bank of America or Wells Fargo Bank in the E.D. Texas suits, does not exist, and/or
13 is covered by privilege. Wapp refused to withdraw the subpoenas.

14 8. Attached hereto as Exhibit 6 is a true and correct copy of the original
15 complaint filed by Wapp in the *Bank of America* suit.

16 9. Attached hereto as Exhibit 7 is a true and correct copy of Bank of America's
17 answer filed in the *Bank of America* suit.

18 10. Attached hereto as Exhibit 8 is a true and correct copy of the Notice of
19 Compliance filed by Bank of America in the *Bank of America* suit.

20 11. Attached hereto as Exhibit 9 is a true and correct copy of the original
21 complaint filed by Wapp in the *Wells Fargo* suit.

22 12. Attached hereto as Exhibit 10 is a true and correct copy of Wells Fargo
23 Bank's answer filed in the *Wells Fargo* suit.

24 13. Attached hereto as Exhibit 11 is a true and correct copy of the Notice of
25 Compliance as to Mandatory Disclosures filed by Wells Fargo Bank in the *Wells Fargo*
26 suit.

1 I declare under penalty of perjury under the laws of the United States of America that
2 the foregoing is true and correct.

3 Executed on this 6th day of May, 2022 at Washington, D.C.

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5 /s/ Cono A. Carrano
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